

REMARKS

Claims 1-11 are pending in the application. Claims 1 and 6 have been amended. Reconsideration of this application as amended, and allowance of all pending claims, are hereby respectfully requested.

In the Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by JP 06-048218 (Kato). Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of JP 2001-097073 (Kanamori). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of JP 11-278100 (Yamatani). Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of U.S. Patent 4,320,812 (Takaoka). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Takaoka and Yamatani. Claims 8-9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Takaoka and Kanamori. These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the anticipation rejection of independent claim 1 based on Kato, claim 1 has been amended for clarity to recite that the driving means is for angularly moving the reflecting member through a predetermined angle range, and the control means is for angularly moving the reflecting member to only a middle position of the predetermined angle range when the ignition switch is turned off. This amendment is supported, for example, at page 6, lines 21-22; at page 9, lines 17-21; and at Fig. 4 of the present application. No new matter has been added.

Kato does not teach or even suggest angularly moving a reflecting member to only a middle position of a predetermined angle range when the ignition switch is turned off. As pointed out in the Office Action, Kato teaches moving its reflecting mirror 5 to a “criteria

location” when the ignition is turned off. However, contrary to the contentions of the Office Action, Kato’s criteria location is not necessarily a middle position of the range of motion of the mirror 5. Rather, as explained at paragraph 19 of Kato, the location of the mirror corresponding to the view of the driver (which Kato teaches corresponds to the driver’s seat height) becomes the criteria location. In other words, Kato’s criteria location is not a middle position only, as claimed, but changes depending on the seat height of the driver. Kato is a typical prior art system as described at page 2 of the present application, insofar as when a different driver gets in the driver’s seat, the mirror 5 may disadvantageously need to be moved through a large angle. This problem is avoided in the claimed invention by the claimed control means, which moves the reflecting member to only a middle position when the ignition is turned off.

Thus, Kato does not anticipate amended claim 1, because it does not disclose each and every element of that claim. In particular, Kato does not disclose the claimed control means for angularly moving the reflecting member to only a middle position of the predetermined angle range when the ignition switch is turned off. Moreover, it would not have been obvious to modify Kato’s device to yield the invention of claim 1, since Kato does not appreciate the problem of excessive motion of the reflecting member solved by the present invention.

Consequently, amended independent claim 1 is patentable.

Regarding the obviousness rejection of dependent claims 2 and 3 based on Kato and Kanamori, the Kanamori reference does not teach or suggest the recited control means of claim 1, from which claims 2 and 3 depend, missing from Kato. Therefore, any combination of Kato and Kanamori, however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Kanamori combination.

Consequently, claims 2 and 3 are patentable.

Regarding the obviousness rejection of dependent claim 4 based on Kato and Yamatani, the Yamatani reference does not teach or suggest the recited control means of claim 1, from which claim 4 depends, missing from Kato. Therefore, any combination of Kato and Yamatani, however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Yamatani combination.

Consequently, claim 4 is patentable.

Regarding the obviousness rejection of dependent claim 5 based on Kato and Takaoka, the Takaoka reference does not teach or suggest the recited control means of claim 1, from which claim 5 depends, missing from Kato. As admitted in the Office Action at page 6, Takaoka discloses an original position restore circuit, whereby at starting the vehicle, a stepping motor rotor is restored to an original position. Takaoka does not teach or suggest its motor is restored to only a middle position, as claimed. Therefore, any combination of Kato and Takaoka, however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Takaoka combination.

Consequently, claim 5 is patentable.

Regarding the obviousness rejection of independent claim 6 based on Kato and Takaoka, claim 6 has been amended similarly to claim 1, to recite driving means for angularly moving a reflecting member in a predetermined angle range, such that only a middle position of the angle range is an origin position. As discussed in connection with independent claim 1, Kato's "criteria location", which is arguably analogous to the claimed origin, is not a middle position only, as claimed, but changes depending on the seat height of the driver. Thus, Kato does not disclose or even suggest the driving means of amended claim 6. Furthermore, Takaoka does not

disclose or suggest the claimed driving means either. Takaoka discloses an original position restore circuit, whereby at starting the vehicle, a stepping motor rotor is restored to an original position, not to only a middle position, as claimed.

Since neither Kato nor Takaoka teaches or suggests the claimed driving means of amended claim 6, any combination of Kato and Takaoka, however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Takaoka combination. Further, Kato teaches away from moving only to the middle position of its angle range as an origin position, by teaching that the origin position changes depending on the height of the driver.

Consequently, amended claim 6 is patentable, as is claim 7, which depends from claim 6.

Regarding the obviousness rejection of dependent claim 10 based on Kato, Takaoka and Yamatani, Yamatani does not teach or suggest the recited driving means of claim 6, from which claim 10 depends, missing from Kato and Takaoka. Therefore, any combination of Kato, Takaoka, and Yamatani however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Takaoka/Yamatani combination.

Consequently, claim 10 is patentable.

Regarding the obviousness rejection of dependent claims 8, 9 and 11 based on Kato, Takaoka, and Kanamori, the Kanamori reference does not teach or suggest the recited driving means of claim 6, from which claims 8, 9 and 11 depend, missing from Kato and Takaoka. Therefore, any combination of Kato, Takaoka, and Kanamori however made, would still be missing this important claimed feature, and it would not have been obvious to add the claimed control means to any Kato/Takaoka/Kanamori combination.

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Consequently, claims 8, 9 and 11 are patentable.

Accordingly, it is believed that the application is now in condition for allowance.

Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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